

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Keith R. Murphy  
Jaclyn R. Rovine

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

v.

SIPA LIQUIDATION

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04496 (SMB)

Plaintiff,

v.

SUMNER FELDBERG LP II, SUMNER GP LLC,  
THE SUMNER AND ESTHER FELDBERG 1998  
CHARITABLE REMAINDER UNITRUST, THE  
NANCY KARP 1997 CHARITABLE  
REMAINDER UNITRUST, MICHAEL S.  
FELDBERG, SUMNER L. FELDBERG, ESTHER

FELDBERG, in her fiduciary capacity as trustee of  
THE SUMNER AND ESTHER FELDBERG 1998  
CHARITABLE REMAINDER UNITRUST, and  
NANCY KARP,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Michael S. Feldberg, Sumner L. Feldberg, Esther Feldberg, Nancy Karp, Sumner Feldberg LP II, Sumner GP LLC, The Sumner and Esther Feldberg 1998 Charitable Remainder Unitrust, and The Nancy Karp 1997 Charitable Remainder Unitrust (together, the “Defendants”), by and through their counsel, Martin J. Auerbach, Esq. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed a Complaint against Defendants.
2. On January 20, 2012, Defendants filed an Answer to the Complaint.
3. On February 10, 2012, the Trustee filed an Amended Complaint against Defendants.
4. On March 19, 2012, Defendants filed an Answer to the Amended Complaint.
5. On May 13, 2016, the Parties filed a Notice of Mediation Referral.
6. On May 31, 2016, the Parties filed a Notice of Mediator Selection.
7. On August 16, 2016, the Parties entered into a Settlement Agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
8. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and

Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of default as set forth in the Settlement Agreement.

9. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

10. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: October 13, 2016

**BAKER & HOSTETLER LLP**

s/ Keith R. Murphy  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Keith R. Murphy  
Email: kmurphy@bakerlaw.com  
Jaclyn R. Rovine  
Email: jrovine@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**MARTIN J. AUERBACH, ESQ.**

s. Martin J. Auerbach

1330 Avenue of the Americas, 16th Floor  
New York, NY 10019  
Telephone: (646) 787-2370  
Facsimile: (646) 304-0175  
Michael J. Auerbach  
Email: auerbach@mjaesq.com

*Attorney for Defendants Michael S. Feldberg,  
Sumner L. Feldberg, Esther Feldberg, Nancy Karp,  
Sumner Feldberg LP II, Sumner GP LLC, The  
Sumner and Esther Feldberg 1998 Charitable  
Remainder Unitrust, and The Nancy Karp 1997  
Charitable Remainder Unitrust*

**SO ORDERED**

**Dated: October 13<sup>th</sup>, 2016  
New York, New York**

/s/ STUART M. BERNSTEIN  
**HONORABLE STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**